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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,673	01/24/2001	Michael Kramer	13768.154	3903

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SALT LAKE CITY, UT 84111

EXAMINER
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FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/768,673

Applicant(s)

KRAMER ET AL.

Examiner

Courtney D. Fields

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 9-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-4,6-7,9-17, and 19-26 are pending.
2. Claims 5,8, and 18 have been cancelled.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4,6-7,9-17, and 19-26 have been considered but are moot in view of the new ground(s) of rejection, Grantges, Jr. (US Patent No. 6,234,648).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6,9-16, and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Grantges, Jr. (US Patent No. 6,324,648).

Referring to the rejection of claims 1,12, and 20, Grantges, Jr. discloses a network environment that includes a public network such as the Internet and a private network, the public network including a client external to the private network, a method of a communications device of the external client establishing a secure connection over

a public network to the private network without restricting the communications device to working through the private network, comprising the following:

a specific act of the external client establishing a connection with a virtual private network access server of the private network over the public network using the communication device, the virtual private network server providing the external client access to the private network as though the external client is part of the private network in Column 4, lines 8-22 and Figure 1.

a specific act of the external client providing security to the connection through a communication protocol that resides at or above a socket layer in a protocol stack in the external client uses to communicate data in Column 4, lines 23-32.

a specific act of the external client maintaining a session that uses the secure connection to communicate with the private network in Column 4, lines 33-61.

and during at least a portion of the specific act of the external client maintaining a session that uses the secure connection, a specific act of the communication device retaining the ability to establish a separate and distinct connection with another resource outside of the private network in Column 4, lines 61-65.

As per claim 2, Grantges, Jr. discloses the claimed limitation wherein during at least a portion of the specific act of the external client maintaining a session that uses the secure connection, a specific act of establishing a connection with another resource outside of the private network in Column 4, lines 66-67 and Column 5, lines 1-11.

As per claims 3, 14, and 24, Grantges, Jr. discloses the claimed limitation wherein the specific act of the external client establishing a connection with the private network

comprises a specific act of using Transmission Control Protocol (TCP) to establish a connection with the private network in Column 5, lines 22-23.

As per claims 4,6,15,16 and 25, Grantges, Jr. discloses the claimed limitation wherein a specific act of the external client using a Secure Socket Layer (SSL) protocol to provide security to the connection in Column 5, lines 11-23.

As per claim 9, Grantges, Jr. discloses the claimed limitation wherein the VPN access server (gateway proxy server) is implemented on the same server machine as a proxy sever that serves the private network in Column 5, lines 40-67 and Column 6, lines 1-11.

As per claim 10, Grantges, Jr. discloses the claimed limitation wherein the VPN access server is implemented on a different server machine than a proxy server that serves the private network in Column 6, line 37-67.

As per claims 11,21, and 23 Grantges, Jr. discloses the claimed limitation wherein the public network comprises portions of the Internet in Column 4, lines 10-12.

As per claim 13, Grantges, Jr. discloses the claimed limitation wherein the computer-readable media comprises a tangible computer readable medium in Column 9, lines 54-62.

As per claims 19 and 22, Grantges, Jr. discloses a network environment that includes a public network such as the Internet and a private network contained in the public network, the public network including a client external to the private corporate network, a method of a communications device of the external client establishing a secure connection over a public network to the private network without restricting the

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communications device to working through the private network, comprising the following:

a step for securely connecting to a virtual private network access server of the private network through a communication protocol that resides at or above a socket layer in a protocol stack that the external client uses to communicate data in order to retain the ability to establish a separate and distinct connection with a resource outside of the private network, the virtual private network access server providing the external client access to the private network as though the external client is part of the private network in Column 4, lines 8-61 and Figure 1.

and while securely connected to the virtual private network access server, a specific act of establish a connection with another resource outside of the private network in Column 4, lines 61-65.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantges, Jr. in view of En, Laurence Lee Min, "Wireless Application Protocol Wireless Transport Layer Security" (WAP WTLS), Wireless Application Forum, Apr. 30, 1998. As per claims 1-4, 6, 9-16, and 19-25, Grantges, Jr. discloses a computer system providing authenticated access for a client computer over an insecure public network to

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one of a plurality of destination servers on a private secure network. However, Grantges, Jr. does not explicitly disclose the feature of using a Wireless Transport Layer Security to provide security to a connection. As per claims 7, 17, and 26, En discloses the claimed limitation wherein the specific act of the external client using a Wireless Transport Layer Security (WTLS) to provide security to the connection as shown on pages 6-7, see Section 3.2. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Grantges, Jr. secure gateway by combining En's wireless application protocol architecture. En provides secure connections and transactions essential for e-commerce or banking services over mobile devices. (See En, Laurence Lee Min, "Wireless Application Protocol Wireless Transport Layer Security" (WAP WTLS), page 4)

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. King (US Patent No. 6,317,831) discloses a method and apparatus for establishing a secure connection over a one-way data path).

Chris Johnson (Understanding and Implementing Microsoft Terminal Services and Citrix MetaFrame) discloses a method for providing employees with access to corporate data and various applications from remote sites.

Dr. James H. Scharen-Guivel (Wireless Virtual Private Networks in the Mobile Enterprise) discloses a method for providing mobile users access to enterprise applications using VPNs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*cdf*

cdf  
July 19, 2005

*Matthew A. Smithers*  
**MATTHEW SMITHERS**  
PRIMARY EXAMINER  
*Art Unit 2137*